

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 587 - HB 715

February 24, 2019

SUMMARY OF BILL: Removes the prohibition of the issuance of a citation in lieu of arrest in certain circumstances. Removes the Class A misdemeanor offense for failure to appear at the arresting law enforcement agency for a citation in lieu of arrest prior to trial for booking and processing.

ESTIMATED FISCAL IMPACT:

Decrease Local Expenditures – Exceeds \$16,000

Assumptions:

- The proposed legislation removes the prohibition of issuance of citations for situations where: (1) the prosecution of the offense for which the person was arrested, or of another offense, would therefore be jeopardized; (2) a reasonable likelihood exists that the arrested person will fail to appear in court; and (3) drivers without a valid driver license or evidence of financial responsibility are involved in accidents resulting in serious bodily injury or death.
- This analysis assumes magistrates will authorize peace officers to issue citations in the situations aforementioned rather than arresting the person and placing him or her in continued custody to appear before a magistrate.
- The number of arrested persons having the potential to be held in custody each year in the absence of the proposed legislation is reasonably estimated to exceed 1,000 statewide.
- This analysis estimates a minimum of ten percent, or at least 100 (1,000 x 10%), would not have posted bail, resulting in a one night stay in jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The recurring decrease in local incarceration expenditures is estimated to exceed \$6,400 (100 x \$64).
- The proposed legislation removes the requirement for a person issued a citation in lieu of arrest to appear at the arresting law enforcement agency prior to trial for booking and processing.
- This analysis estimates that at least one percent, at least 10 (1,000 x 1%), persons receiving citations would have failed to appear for booking and processing prior to the person's court date.

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- This analysis assumes individuals convicted of a Class A misdemeanor for failure to appear are spending an average of 15 days in local jail.
- Removing the Class A misdemeanor violation for such offense will lead to a recurring decrease in local incarceration expenditures estimated to exceed \$9,600 (10 x \$64 x 15).
- The total recurring decrease in local incarceration expenditures is estimated to exceed \$16,000 (\$6,400 + \$9,600).
- Any impact to the court system is estimated to be not significant.
- Any impact to local government associated with the issuance of additional citations is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase local revenue.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj